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10/502,131

03/30/2005

Robert W. Downing

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11/01/2007

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EXAMINER

LEVI, DAMEON E

ART UNIT

PAPER NUMBER

2841

MAIL DATE

DELIVERY MODE

11/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/502,131

Applicant(s)

DOWNING ET AL.

Examiner

Dameon E. Levi

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2 is/are rejected.
- 7) ☒ Claim(s) 3-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

NEW GROUNDS OF REJECTION

Applicant's arguments, filed 07/25/2007, with respect to the rejection(s) of claim(s) 1-18 under 35 USC 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the prior art now of record herein below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Nolan et al
US Patent 6252514.**

Regarding claim 1, Nolan et al discloses an apparatus comprising:

a latching mechanism(elements 219,221,225,227,251 Figs 2-7) adjacent a rear edge of the module; and an actuator(element 210,Figs 2-7) adjacent a front edge of the module, wherein operation of the actuator in one direction(Fig 2) moves a component of the latching mechanism in a first translational and rotational movement resulting in insertion of the module, and operation of the actuator in the other direction(Fig 3) moves the component of the latching mechanism in a second

translational and rotational movement resulting in extraction of the module(elements 110, Figs 2-7) .

Regarding claim 2, Heitkamp discloses an assembly comprising:

a first arm(elements 223, Figs 2-7) that is positioned proximate a first edge of the plug-in module (elements 110, Figs 2-7) and that includes a first guiding surface(elements 270,Figs 2-7);

an actuation device (elements 210,Figs 2-7) coupled to the plug-in module and capable of being actuated proximate a second edge of the plug-in module; and

a second guiding surface (elements 211,Figs 2-7) on the plug-in module capable of interfacing with the first guiding surface;

wherein the actuation device causes the first arm to be translated inward with respect to the plug-in module when actuated in a first manner(Fig 2) and causes the first arm to be translated outward when actuated in a second manner(Fig 3), wherein, as the first arm is moved inward, the first and second guiding surfaces interact so as to provide additional movement of the first arm and thereby engage a retaining component(elements 207,Figs 2-7) on the rack component.

Allowable Subject Matter

Claims 3-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2841

The following is a statement of reasons for the indication of allowable subject matter:

The elements of the claimed invention as recited in dependent claims 3 and 11, which depend from independent claims 1 and 2, respectively, are deemed as being allowable over the prior art of record.

Heitkamp US Patent 6406312 and Nolan et al US Patent 6252514 are cited as the closest pertinent prior art teaching, in combination, some elements of the claimed invention, but cannot be modified to teach or disclose all of the elements of the claimed invention as arranged and disposed in the same manner as claimed by the Applicants.

Response to Arguments

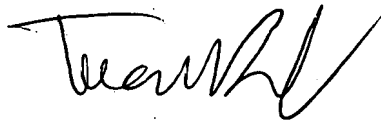
Applicant's arguments, filed 07/25/2007, with respect to the rejection(s) of claim(s) 1-18 under 35 USC 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the prior art now of record above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dameon E. Levi whose telephone number is (571) 272-2105. The examiner can normally be reached on Mon.-Thurs. (9:00 - 5:00) IFP, Fridays Telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2841

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



TUAN T. DINH
PRIMARY EXAMINER

10/27/07.

Dameon E Levi
Examiner
Art Unit 2841

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